

701 KAR 5:100. Guidelines for alternative models for school-based decision making.

RELATES TO: KRS 160.345

STATUTORY AUTHORITY: KRS 156.070, 160.345

NECESSITY, FUNCTION, AND CONFORMITY: The State Board for Elementary and Secondary Education is directed by KRS 160.345(7) to review for approval applications for alternative models for school-based decision making. This administrative regulation establishes approval guidelines for alternative models for school-based decision making.

Section 1. The membership of school councils shall be maintained at the 3-2-1 ratio set forth in KRS 160.345(2) so that parental membership shall not fall below one-third (1/3) of voting members. Any representation of classified staff or of students on the school council shall either be as nonvoting members of the council or on committees advisory to the council, whichever the council itself shall decide.

Section 2. (1) If a school can demonstrate that it had in operation prior to July 13, 1990, a successful school-based decision making model composed of a different membership than specified in KRS 160.345(2), it may apply to the State Board for Elementary and Secondary Education for approval of its model under KRS 160.345(7) regarding alternative models. Priority for approval of alternative models shall be given to those preexisting models which add parents in numbers sufficient to meet the 3-2-1 statutory configuration.

(2) To demonstrate that a school had a formal, operational, decision-making entity in place before July 13, 1990, it shall submit written evidence of decisions and actions taken by the decision-making body and implemented in the school. Groups that were informal and advisory in that they were dealing with peripheral issues not covered in the Kentucky Education Reform Act of 1990 shall not qualify for alternative model approval.

(3) In the case of requests for approval of alternative models which were in operation prior to July 13, 1990, the school shall show evidence that the model in existence has been subjected to review, evaluation, and recommendation regarding its continuation by representatives of the parents, students, certified personnel, and the administrators of the school, and that two-thirds (2/3) of the faculty (all certified members of the school including any itinerant teacher assigned to the school for payroll purposes) have agreed to apply for the continued use of that model for school-based decision making.

Section 3. Each application for alternative models from schools which began school-based decision making after July 13, 1990, shall be based on the 3-2-1 statutory configuration so that parental membership shall not fall below one-third (1/3) of voting members, shall have no more than two (2) year terms of office, and shall show any student or classified staff representation as nonvoting or advisory. The other requests shall be approved or rejected after a case-by-case review by the board and recommendation by the Department of Education.

Section 4. KRS 160.345(7) stipulates that the school shall submit its application for an alternative model "through" the local board to the Commissioner of Education and the State Board for Elementary and Secondary Education for approval. The state board interprets that provision to mean that the local board shall transmit the request to the state as quickly as possible. In exercising this function, the local board is serving as transmittal agent and shall not have the right to delay or deny a school's request for an alternative model.

Section 5. All alternative models approved by the state board pursuant to any provision contained

in this administrative regulation shall be valid for an indefinite period, subject to continuous review by the state board. This approval for an indefinite period, subject to continuous review by the state board, shall apply to all alternative models approved prior to and subsequent to the date of enactment of this administrative regulation.

Section 6. The Kentucky Department of Education shall keep records of all schools which apply for, and all schools which are granted, an alternative model for school-based decision making. (18 Ky.R. 219; 685; eff. 9-6-1991; 21 Ky.R. 2241; eff. 6-1-1995; Crt eff. 11-16-2018.)